

251 CMR: BOARD OF REGISTRATION OF PSYCHOLOGISTS

251 CMR 1.00: ETHICAL STANDARDS, PROFESSIONAL CONDUCT, AND DISCIPLINARY PROCEDURES

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1.01: Initiation

Any person, organization, or member of the Board may file a complaint or report or provide information to the Board which charges a licensee with misconduct. Misconduct may include any violation of the standards of ethics and practice listed at 1.10 and 1.11. The Board's complaint form requests the name, address, and telephone number of the party making the filing, and a description of the alleged act(s) which prompted the complaint and must be signed by the party or an authorized representative. The Board, in its discretion, may investigate anonymous complaints.

1.02: Complaint Committees

The Board may establish one or more committees, consisting of two or more members, to review every communication charging a licensee with conduct which violates M.G.L. c. 112, § 61; M.G.L. c. 112, § 128; and/or 251 CMR (hereafter referred to as "Complaint Committee" or "Committee").

1.03: Inquiry and Investigation

After receipt and review of a communication, if the Board or a Complaint Committee determines that the communication is lacking in merit, it may file the communication in a general communications file. The Board shall conduct or cause to be conducted any reasonable inquiry or investigation it deems necessary to determine the truth and validity of the allegations set forth in a complaint.

1.04: Request for Response and Response

If the Board or a Complaint Committee determines that a complaint has merit, the Board or Committee may request that the licensee who is the subject of the complaint provide a

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response to the complaint. A licensee may respond to a request for response either personally or through an attorney. A response must address the substantive allegations set forth in the complaint or request for response and be provided in a timely manner, in accordance with the request of the Board or Complaint Committee.

1.05: ~~Informal~~ Investigative Conference

To facilitate disposition, the Board or Complaint Committee may request any person to attend an ~~informal~~ investigative conference at any time prior to the commencement of a formal hearing, pursuant to M.G.L. c. 30A, to discuss the complaint and response.

1.06: Disposition of Complaints

At any point during the course of investigation or inquiry into a complaint, the Board or Complaint Committee may determine that there is not and will not be sufficient evidence to warrant further proceedings or that the complaint fails to allege misconduct for which a licensee may be sanctioned by the Board. In such event, the Board may dismiss or close its investigation of the complaint and otherwise communicate with the licensee and/or the complainant, as deemed appropriate by the Board.

1.07: Board Action Required

If a licensee fails to respond as requested by the Board or a Committee or, if after receiving a response or at any point in the course of investigation or inquiry into a complaint, the Board or Committee determines that there is reason to believe that the alleged acts occurred and constitute a violation for which a licensee may be sanctioned by the Board, the Committee may recommend to the Board or the Board may vote to issue an order to show cause or offer to resolve the complaint by consent agreement or otherwise informally resolve the matter.

1.08: Suspension or Refusal to Renew Prior to Hearing

The Board may suspend or refuse to renew a licensee's license pending a hearing on the question of revocation or refusal to renew if the health, safety, or welfare of the public necessitates such summary action. The Board must provide a hearing on the necessity for the summary action within seven days after the suspension or refusal to renew. If such hearing is not held within seven days, the license shall be deemed to have been reinstated.

1.09: Sanctions

(1) Sanctions. The Board may, after a hearing in accordance with the provisions of M.G.L. c. 30A, revoke, suspend or cancel the license, or reprimand, censure or otherwise discipline a psychologist licensed under M.G.L. c. 112, §§ 118 through 129A.

(2) Probationary Status. Probationary status may be imposed by the Board. If the Board places a licensee on probation, or if the Board and a licensee consent to the imposition of probationary status, such conditions for continued practice as the Board deems appropriate

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may be imposed to assure that the licensee is qualified to practice in accordance with accepted professional practice standards including any or all of the following:

- (a) Submission by the licensee to such examinations as the Board may require to determine the licensee's physical or mental condition or professional qualifications;
- (b) The licensee may be required to undergo such therapy and/or complete such courses of training or education as deemed necessary by the Board;
- (c) Supervision of the licensee's practice as necessary to determine and monitor the quality of the professional services rendered and correct deficiencies therein; and
- (d) The imposition of restrictions upon the licensee's practice to assure that practice is in accordance with the licensee's capabilities and area(s) of competency and training,~~as provided in 251 CMR 3.12(5).~~

(3) Supervision of Practice. If the Board orders, or the Board and a licensee consent to the imposition of, supervision of the licensee's continued practice as a psychologist, the following conditions may apply to such supervision:

- (a) A written plan outlining the focus of the supervision must be submitted to the Board. Such plan and supervision should address the areas of practice at issue and should be consistent with the principles contained in the Ethical Principles of Psychologists and Code of Conduct ~~at issue. be directed to the practice areas relating to the~~.
- (b) Information (curriculum vitae and professional qualifications) regarding the proposed supervisor must be submitted to the Board for review and approval. Supervisors must be current licensees in good standing with the Board. Supervisors may not be related by blood or marriage to the licensee; have a past or present personal or professional relationship with the licensee; or have any other relationship or affiliation (past or present) with the licensee. A statement from the proposed supervisor attesting to the above must be provided to the Board.
- (c) Supervision which commences prior to the receipt of the Board's written or oral approval of the proposed supervisor will not be credited.
- (d) If the supervisory period is six months or longer, the approved supervisor must submit written reports to the Board on a quarterly basis (every three months) describing the supervision provided and focusing on those aspects of the supervisory sessions related to the practice areas and ethical principles at issue. If the supervisory period is less than six months, bimonthly reports must be provided to the Board by the approved supervisor.
- (e) At the commencement and completion of the supervisory period, the licensee and approved supervisor may be required to appear before the Board to review and discuss the supervision. All required reports must have been submitted to the Board prior to an appearance before the Board following the completion of the supervision.
- (f) After the Board has received and reviewed all required reports and met with the licensee and the approved supervisor, the Board will determine the appropriateness of allowing the licensee to practice without supervision or to continue practicing under supervision.

(4) Resignation.

- (a) A licensee who is named in a complaint or who is the subject of an investigation by the Board or who is the defendant in a disciplinary action may, subject to acceptance by

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the Board, submit his/her resignation by delivering to the Board a written statement that he/she desires to resign, his/her resignation is tendered voluntarily, he/she realizes that resignation is an act which deprives a person of all privileges of registration and is not subject to reconsideration or judicial review, and that the licensee is not currently licensed to practice in any other state or jurisdiction, will make no attempt to gain licensure elsewhere, or will resign any other licenses contemporaneous with his/her resignation in the Commonwealth.

disciplinary (b) If a complaint, investigation or order to show cause arises solely out of an action in another jurisdiction, within the meaning of 251 CMR 1.10(6)(g), the licensee may submit his/her resignation to the Board, pursuant to 251 CMR 1.09(4), but need not make any representation regarding licensure status in other jurisdictions, nor is prohibited from seeking licensure elsewhere, and need not resign any other licenses contemporaneously with the resignation.

1.10: Ethical Standards and Professional Conduct

(1) The Board adopts as its standard of conduct the *Ethical Principles of Psychologists and Code of Conduct* of the American Psychological Association, as amended from time to time, except as that code of ethics in any way deviates from the provisions of 251 CMR or M.G.L. c. 112, §§ 118-129A.

(2) The Board adopts as official guides, to the extent that they are not inconsistent with the *Ethical Principles of Psychologists and Code of Conduct* referenced in 251 CMR 1.10(1), the following:

- (a) The *Casebook on Ethical Standards of Psychologists* published by the American Psychological Association;
- (b) *Guidelines for Providers of Psychological Services to Ethnic, Linguistic, and Culturally Diverse Populations* published in 1990 by the American Psychological Association, as amended from time to time; and
- (c) *AIDS Guidelines*, a 1988 publication of the Inter-Agency Task Force on AIDS Issues, as amended from time to time, convened by the Office of Consumer Affairs and including members from 18 boards of registration.

(3) Fees. Predetermined fees may be advertised for routine services such as:

- (a) Diagnostic testing and/or interviewing;
- (b) Therapeutic, supportive, or remedial interviews or sessions;
- (c) Consultation;
- (d) Research; and
- (e) Specialized teaching in a field or subject related to psychology.

All fees will be stated in terms of hourly amounts unless it is a reasonable or common practice to do otherwise, e.g., a fee for a diagnostic evaluation including the administration of a battery of tests; a per diem consulting fee.

A psychologist must specify with each potential patient or client which of the advertised services will be performed for that patient or client, and by whom. A psychologist must perform fully all advertised services at the amounts which they are advertised and must otherwise comply with all representations contained in any advertisement. A psychologist

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must maintain in a place of prominent display in his or her office the fee schedule appearing in his or her most recent advertisement. If because of unforeseen circumstances a psychologist cannot reasonably charge the advertised amount, the psychologist must so inform all parties directly involved and obtain their written consent prior to performing services at higher than the advertised amount.

(4) Patient Records.

(a) A psychologist shall maintain a record for each patient or client which meets the standards of usual and customary practice and which is adequate to enable the psychologist to provide proper diagnosis and treatment. A psychologist must maintain a patient or client's record for a minimum period of five years from the date of the last patient or client's encounter and in a manner which permits the former patient or client's or a successor psychologist access to it within the terms of 251 CMR. In the event that the patient or client is a minor, the psychologist must maintain the patient or client's record for at least one year after the patient or client has reached the age of majority as defined in M.G.L. c. 4, § 7, but in no event shall the record be retained for less than five years.

(b) Except as otherwise provided by law, a psychologist shall permit inspection of records maintained for a patient or client by such patient or client or the authorized representative of the patient or client, and upon request, shall make a copy of such patient or client's record available to such patient or client or representative. If, in the reasonable exercise of professional judgment a psychologist believes that providing the entire record would adversely affect the patient's well-being, the psychologist shall provide a summary of the record to the patient. A psychologist must make the entire record available to the patient's attorney or other psychotherapist designated by the patient, if requested by the patient (M.G.L. c.112, § 12CC).

(c) A psychologist may charge a reasonable fee for the expense of providing the material described in 251 CMR 1.10(4)(b); however, a psychologist may not require prior payment of the charges for such psychological services as a condition for making records available.

(5) In matters pertaining to boundaries and dual and/or sexual relationships, a psychologist's relationship with a patient or client shall be presumed to extend a minimum of two years from the date of the rendering of the last professional service within the definition of the "practice of psychology" appearing in M.G.L. c. 112, § 118.

(6) In addition to acts prohibited by *the Ethical Principles of Psychologists and Code of Conduct* referenced in 251 CMR 1.10(1); the ethical standards referenced in 251 CMR 1.10(2); the provisions of 251 CMR 1.10(3) through (5); and the prohibited acts listed in M.G.L. c. 112, §§ 61 and 128; the following acts are deemed to be grounds for disciplinary action, pursuant to M.G.L. c. 112, § 128:

(a) Use of a false name or impersonating another practitioner.

(b) Use of status as a licensed psychologist for purposes other than the practice of psychology.

(c) Jeopardizing the physical or emotional security of a patient or client by engaging in inappropriate diagnostic or treatment procedures, or by unauthorized disclosure or

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communication of confidential information. This shall not be interpreted to mean that case history material cannot be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the individual or individuals involved.

(d) Giving or accepting commissions, rebates, or any form of remuneration of a fee-splitting nature for professional referrals. This does not include or refer to ordinary fees charged directly for services rendered or for time spent in assisting the client or patient to obtain or become knowledgeable about appropriate professional services, schooling, training, or other specialized assistance.

(e) Failure, without cause, to cooperate with any request by the Board to appear before it and/or provide it with information.

(f) Sexual misconduct with a patient or client. It shall be a ground for disciplinary action by the Board, pursuant to M.G.L. c. 112, §§ 61 and 128, and the *Ethical Principles of Psychologists and Code of Conduct* referenced in 251 CMR 1.10(1), that a licensee has engaged in sexual misconduct with a patient or client. In the conduct of any investigation or administrative proceeding by the Board, pursuant to M.G.L. c. 30A, where sexual misconduct by a licensee is alleged, the following procedural rules shall govern the conduct of such investigation or proceeding:

1. Consent Defense Not Available. It shall not be a defense that the patient or client consented to such conduct.

2. Sexual Activity Not Admissible. Evidence of the sexual activity of a patient or client, other than sexual activity with the licensee, is not subject to subpoena or other form of discovery, and is not admissible.

3. Confidentiality of Proceedings. Reasonable steps shall be taken to keep confidential the identity of the patient or client, including, but not limited to, closing the hearing to the public during the testimony of the patient or client.

(g) Having been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, §§ 61 and 128 or 251 CMR 1.10(6).

(7) In determining what sanctions are appropriate regarding a disciplinary matter, the Board will regard lack of adequate professional training and experience for the particular conduct in question as prima facie evidence that the unprofessional conduct was engaged in willfully, knowingly, or with gross negligence, and that the conduct in question warrants revocation of the psychologist's license. An application for licensure states the area or areas of the applicant's competence. Applicants who assert competence in a new area or areas shall furnish the Board with information sufficient to support the assertion of competence in a new area. The training shall be in accordance with the *Policy on Training for Psychologists Wishing to Change Their Specialty* published by the American Psychological Association.

1.11: Confidential Communications

Except as otherwise provided by law, all communications between a licensed psychologist and the individuals with whom the psychologist engages in the practice of psychology shall be deemed to be and treated as confidential in perpetuity.

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(1) Notwithstanding the provisions of M.G.L. c. 112, § 129A, subsection (b), information which is acquired by a psychologist pursuant to the professional practice of psychology, whether directly or indirectly, may be disclosed, without client consent, written or otherwise, to another appropriate professional as part of a professional consultation which is designed to enhance the services provided to a client or clients. In disclosing such information, psychologists shall use their best efforts to safeguard the client's privacy by not disclosing the client's name or other identifying demographic information, or any other information by which the client might be identified by the consultant, unless such information is, in the psychologist's judgment, necessary for the consultation to be successful.

(2) (a) The reference to "initiation of the professional relationship" in M.G.L. c. 112, § 129A shall mean that the client must be informed of the limits on confidentiality by the end of the first professional session, unless there are documented substantial clinical reasons for withholding such information and the decision to withhold such information is reviewed and redocumented on a regular basis. If the client has come to the psychologist specifically for psychological evaluation, court ordered evaluation, or psychological testing, the client shall be informed about all confidentiality limitations before said evaluation or testing begins.

(b) In the event that, before the psychologist has an opportunity to inform the client concerning the limits on confidentiality, a client begins to discuss matters which the psychologist knows, or in the exercise of his/her professional judgment should know, are likely to result in the psychologist's having to reveal confidential information without the client's consent, then the psychologist shall immediately inform the patient of the limits on confidentiality.

(c) Where the client is an unemancipated minor, the psychologist shall have, in addition to the duties described in this section, the duty to inform the client's legal guardian in the event that the psychologist has determined pursuant to M.G.L. c. 112, §§ 129A, subsections (c)(1), (c)(2) or (c)(3), that a nonconsensual disclosure of information is warranted.

(3) The reference to "clear and present danger" in M.G.L. c. 112, § 129A, subsection (c)(1) shall mean that the client presents a clear and present danger to him/herself when:

(a) the psychologist, in the exercise of his/her professional judgment, believes that the client presents a substantial risk of physical impairment or injury to him/herself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm; or

(b) the psychologist, in the exercise of his/her professional judgment, believes that the client presents a very substantial risk of physical impairment or injury to him/herself as manifested by evidence that such person's judgment is so affected that he or she is unable to protect him/herself in the community and that reasonable provision for his/her protection is not available in the community.

(4) The reference to "reasonable basis to believe that there is a clear and present danger of physical violence against a clearly identified or reasonably identifiable victim" in M.G.L. c. 112, § 129A, subsection (c)(3) shall mean when the psychologist believes, in the exercise of his/her professional judgment, that the patient's words or behavior strongly suggest that there is a reasonable possibility that the client will attempt to kill or inflict serious bodily

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injury on a reasonably identified victim or victims whom the client's words or behavior or history have clearly identified as a likely target of such behavior.

REGULATORY AUTHORITY

251 CMR 1.00: M.G.L. c. 13, § 79; c. 112, § 128.

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Section

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3.01: Definitions

The following definitions shall apply to all of 251 CMR.

The Board as referred to in 251 CMR 3.00, shall mean The Commonwealth of Massachusetts Board of Registration of Psychologists.

Collaboration shall mean a formal relationship between a qualified collaborator, as provided in 251 CMR 3.05(4) and an individual who has obtained a doctoral degree in psychology.

A doctoral degree in psychology shall mean a doctoral degree in psychology from a program in psychology offered by a department of psychology of a recognized educational institution.

Recognized educational institution shall mean a degree-granting college or university which is accredited by a Regional Board or Association of Institutions of higher education approved by the Council on Post Secondary Education of the United States Department of Education, or which is chartered to grant doctoral degrees by the Commonwealth. Such institutional accreditation shall exist at the time that the doctoral degree is granted or within two years thereafter.

Supervision shall mean a formal relationship between a qualified supervisor, as provided in 251 CMR 3.05(4) and (5), and a trainee engaged in training.

3.02: Application

Applicants for licensure must complete academic, professional experience, and ethical and professional endorsement requirements, in addition to passing licensure and jurisprudence examinations. An application for licensure states the area or areas of the applicant's competence. Applicants who assert competence in a new area or areas post-licensure must be able to furnish the Board with information sufficient to support the assertion of competence in a new area.

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- (1) Application fees are not refundable.
- (2) Applications for licensure shall be made on Board-approved forms.
- (3) Applicants will be notified in writing of deficiencies in their applications. If the requested information is not received by the Board within six months of the date of the written notice, the application shall be denied by the Board.
- (4) An applicant who fails to fulfill all of the requirements for licensure will have his/her application denied by the Board. An application which is re-submitted following denial by the Board must be accompanied by the current application fee and must meet current licensing requirements.
- (5) Applicants who achieve passing scores on the licensure national examination in psychology and jurisprudence examinations are required to submit the required licensing fee to the Board within 90 days of Board notification of licensure eligibility. Failure to pay the licensure fee within six months shall require re-application and payment of an additional application fee.
- (6) Applicants for Health Service Provider certification (see 251 CMR 3.08) are required to submit the HSP certification fee within 90 days of Board notification of HSP eligibility. Failure to pay the HSP certification fee within six months shall require re-application and payment of an additional application fee.

3.03: Academic Requirements

(1) (a) FOR APPLICATIONS FILED BEFORE SEPTEMBER 1, 2000:

1. A "Program in psychology" shall mean a psychology program that:
 - (a) is accredited by the American Psychological Association at the time the doctoral degree is granted or within two years thereafter; and
 - (b) meets the course of studies requirements described in 251 CMR 3.03 (1)(a)2.i.
2. If a psychology program is *not* accredited by the American Psychological Association, the following criteria will be used to determine qualification as a "program in psychology" for licensure eligibility:
 - a. Training in psychology is doctoral training offered by a recognized educational institution.
 - b. The psychology program must stand as a recognizable, coherent organizational entity within the institution.
 - c. There must be clear authority and primary responsibility for the core and specialty areas of the program whether or not the program cuts across administrative lines.
 - d. The program must include an organized sequence of study.
 - e. There must be an identifiable psychology faculty and a psychologist responsible for the program.
 - f. The program must have an identifiable body of students who are matriculated in that program for a degree.

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- g. The program must include supervised practica, internship, field or laboratory training appropriate to the practice of psychology.
- h. The applicant shall complete a course of studies which encompasses a minimum of three academic years of full-time graduate study, or its equivalent, of which a minimum of one academic year of full-time, or its equivalent, academic graduate study in psychology must be completed in residence at the institution granting the doctoral degree. "Completed in residence" shall be determined by the Board based on criteria which includes the following factors: frequency and duration of interactions between faculty and students; opportunities for appropriate and adequate supervision and evaluation; student access to a core psychology faculty whose primary time and employment responsibilities are to the institution; and student access to other students matriculated in the program.
- i. In addition to receiving instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, and history of psychology, the core program shall require each student to demonstrate competence in each of the following substantive areas:

Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psycho-pharmacology.

Cognitive - affective bases of behavior: Learning, thinking, motivation, emotion.

Social bases of behavior: Social psychology, group processes, organizational and systems theory, issues of social/cultural diversity.

Individual differences: Personality theory, human development, abnormal psychology.

EFFECTIVE FOR APPLICATIONS FILED AFTER JULY 1, 1999 -

Racial/ethnic bases of behavior with a focus on people of color: Cross-cultural psychology, psychology and social oppression, racism and psychology.

All programs in psychology must include course requirements in specialty areas. The dissertation or equivalent, must be psychological in method and content.

Competence in the substantive content areas listed in 251 CMR 3.03(1)(a)(2)i. will typically be met by including a minimum of three graduate semester hours (five or more graduate quarter hours) in each of the five substantive content areas.

(b) FOR APPLICATIONS FILED AFTER SEPTEMBER 1, 2000:

A "program in psychology" shall mean a psychology program that:

- (1) is designated as a doctoral program in psychology by the Association of State and Provincial Psychology Boards at the time the degree is granted or within two years thereafter, and
- (2) meets the course of studies requirements described in 251 CMR 3.03 (3)(a)2.i.

(2) A degree from a foreign educational institution may be accepted by the Board, provided that, in the opinion of the Board:

- (a) the institution meets standards equivalent to those of domestic recognized educational institutions; and
- (b) all other provisions of 251 CMR 3.03 are met.

3.04: Professional Experience Requirements

(1) The requirements of M.G.L. c. 112, § 119 for applications for licensure shall not be met unless all of the requirements of 251 CMR 3.04 are satisfied.

(2) Each training experience must be for a period of not less than four months for a minimum of 16 hours per week during which the applicant received no less than one hour of supervision or collaboration per week.

(3) Experience will be credited at a maximum of 16 hours for each hour of acceptable supervision of work involving regularly scheduled, face-to-face, individual supervision with the specific intent of overseeing the services rendered by the trainee, as further described in 251 CMR 3.05.

(4) Experience may not be credited until the applicant has completed one academic year of full-time graduate training in psychology or its equivalent.

(5) Two years, as used in M.G.L. c. 112, § 119 shall mean not less than 3200 clock hours, which have been completed within 60 consecutive calendar months, unless the Board, in its discretion, determines that additional time is warranted for completing the 3200 clock hours.

(6) Internship or practicum or field placement experience of one year full-time shall fulfill a total of one year pre-doctoral experience or employment if it is at least 1600 clock hours completed in not less than ten calendar months subsequent to the completion of one full academic year of graduate training. Practicum or field placement experience may be pro-rated toward meeting this requirement if each experience is at least four months in length and at least 16 hours per week.

(7) Post-doctoral experience, as used in M.G.L. c. 112, § 119(c), shall mean that qualified experience may be credited from the time the applicant was notified of the completion of all doctoral requirements, provided this date is verified in writing by a responsible academic official. The experience must consist of at least 1600 clock hours, which shall have been completed in not less than ten calendar months and not more than 36 consecutive calendar months from the time of such notification, unless the Board, in its discretion, determines that additional time is warranted for completing the 1600 clock hours.

(8) In the case of academic employment, the term "year" shall mean the number of months usually associated with full-time employment in that institution.

(9) Psychological employment, teaching, research, or professional practice under the supervision of or in collaboration with a licensed psychologist shall fulfill the experience requirement if it is performed competently at a professional level and it is satisfactory in scope and quality. Experience limited to essentially repetitious, routine or clerical tasks at the pre-professional level will not be accepted, i.e., administering and scoring psychological

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tests, computing statistics by hand or machine, assisting instructor in psychology courses, etc. Satisfactory professional experience includes tasks which depend upon the application of skills, concepts, and principles at a professional level.

Examples include: administering and interpreting psychological tests; providing clients or patients assistance in solving professional or personal problems; designing original research projects; analyzing and reporting on research data; and teaching a psychology course.

(10) Pre- and post-doctoral clinical experience must be completed in positions designated as "psychologist-in-training" (e.g., intern, resident, fellow, etc. positions).

~~(11) An applicant may submit an application for licensure to the Board prior to completing the required 3200 hours of supervised experience, provided the required 3200 hours of experience will be completed prior to the date of the licensure examination.~~

3.05: Supervision and Collaboration Requirements

(1) The reference in M.G.L. c. 112, § 119 subsection (c) to "under the supervision of or in collaboration with a licensed psychologist, or one clearly eligible for licensure" shall not be met unless the applicant has been engaged in a formal relationship with the supervisor or collaborator which provided frequent and regularly scheduled individual or group contacts with the supervisor or collaborator.

(2) Supervision.

- (a) Shall be a formal relationship between a qualified supervisor, as provided in 251 CMR 3.05(4) and (5), and a trainee engaged in training.
- (b) Supervision shall include a minimum of 200 hours of face-to-face contact at regular intervals, 100 of which may be obtained at the pre-doctoral level, but not prior to the completion of one year of full-time, or equivalent part-time, graduate training in psychology or its equivalent.
- (c) Supervision shall occur at least once weekly.
- (d) Face-to-face contacts shall consist of contacts between the supervisor and the individual trainee or groups of not more than three such persons.
- (e) The supervisor shall assess and constructively criticize the work of the trainee.
- (f) The supervisor shall not be reimbursed by the applicant in whole or part, for the supervision provided.
- (g) The supervisor shall be on the premises where the trainee renders service during the time such service is rendered.

(3) Collaboration.

- (a) Shall be a formal relationship between a qualified collaborator, as provided in 251 CMR 3.05(4) and an individual who has obtained a doctoral degree in psychology or its equivalent.
- (b) Collaboration shall include a minimum of 100 hours of face-to-face contact at regular intervals.
- (c) Collaboration shall occur at least once weekly.

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- (d) Face-to-face contacts shall consist of contacts between the qualified collaborator and the individual doctoral degree-holder or groups of not more than three such persons.
- (e) The qualified collaborator shall assess and constructively criticize the work of the doctoral degree holder.
- (f) The collaborator shall not be reimbursed by the applicant, in whole or part, for the collaboration he/she provides.
- (g) The collaborator shall be on the premises where the trainee renders service during the time such service is rendered.

(4) Supervision or collaboration shall be obtained from a licensed psychologist or one clearly eligible for licensure in the opinion of the Board. A psychiatrist who is certified or eligible for certification by the American Board of Psychiatry and Neurology, or a certified member of another psychological specialty approved by the Board, shall be presumed, in the absence of evidence to the contrary, to be "clearly eligible for licensure" within the meaning of 251 CMR 3.05(4).

(5) Supervisors must be regular staff members of, or consultants to, the organization in which the applicant is obtaining required psychological experience.

(6) The applicant must provide to the Board, on the required form, a signed statement from the supervisors or collaborators verifying the applicant's supervised or collaborative experience and setting forth the nature and extent of supervision or collaboration.

(7) Applicants may not substitute their personal, individual or group psychotherapy, or psychoanalysis for their supervised experience.

(8) If the supervision or collaboration is obtained in the private sector, the applicant shall be employed by the person, group or corporation from whom the supervision or collaboration is obtained; and the person, group or corporation that employs the applicant shall have assumed both the legal and professional responsibility for all services provided by the applicant.

3.06: Endorsement Requirements

(1) An applicant for licensure shall obtain a professional and ethical endorsement from each of three individuals of recognized standing in a psychological field. Endorsement forms are included with Board application forms.

(2) An applicant must submit at least one endorsement from a psychologist who is licensed by the Board or in the opinion of the Board, one clearly eligible for such licensure, or, an individual licensed or certified as a psychologist by another state with comparable standards.

(3) Professional and ethical endorsements may also be provided by:

- (a) A board-certified or board-eligible psychiatrist; or
- (b) At the discretion of the Board, a member of another psychological specialty who is deemed by the Board to have equivalent professional qualifications.

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- (4) In unusual circumstances the Board may, in its discretion, consider endorsements from individuals in other professions whom the Board deems to possess equivalent or appropriate professional qualifications.
- (5) An applicant must submit one endorsement from a training supervisors or other individual having direct knowledge of the applicant's work.
- (6) In no instance shall more than one of the three endorsements submitted by an applicant be supplied by a current member of the Board.

3.07: Examinations

- (1) An applicant for licensure shall take a ~~written comprehensive~~ national examination in psychology, the form and content of which is determined by the Board.
- (2) The Board, in its discretion, may, in addition to the ~~written~~ national examination in psychology, require a state jurisprudence examination.
- (3) ~~The number of re-examinations an applicant may take is not limited, but each exam must be taken at least six months apart.~~
 - a. i. Effective January 1, 2002, any applicant who has filed an application with the Board prior to January 1, 2002, must take and pass the national examination in psychology by January 1, 2005. If the applicant has not achieved a passing score within these three calendar years, such applicant must re-apply to the Board and meet current licensing requirements.
 - a. ii Effective January 1, 2002, an applicant applying for examination must successfully pass the national examination in psychology within three calendar years from the date of approval for examination by the Board. If the applicant has not achieved a passing score within three calendar years of the date of approval, such applicant must re-apply to the Board and meet current licensing requirements.
 - b. Each re-examination date must be at least three months from the prior examination date.
 - c. The national and state examinations may each be taken a maximum of four times per calendar year.
 - d. Commencing in April 2001, the passing score on the national examination in psychology shall be a scaled score of 500 or higher, or as otherwise determined by the Board.
- ~~(4) Examinations are conducted at least once a year.~~
- ~~(5)~~ (4) At the time of the each examination, the applicant must supply a currently valid, government-issued photo ID, and a second form of identification imprinted with the candidate's name and containing a signature, or such other identification required by the Board or its agent. On both forms of identification, the signature must match the pre-printed name. positive identification by photograph. The applicant may provide either:
 - ~~(a) A current Massachusetts motor vehicle operator's license; or~~
 - ~~(b) A photograph taken within the past year, signed by the applicant and witnessed and countersigned by a Registered Notary Public.~~

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(65) Failure to appear with proper identification at a scheduled examination will result in the following:

- (a) the applicant will lose his/her eligibility to take the examination as scheduled; and
- (b) the applicant will forfeit his/her application and examination fee.

~~(7) An applicant who has been admitted to the examination and who fails to appear for the examination shall be subject to the following requirements:~~

- ~~(a) If the applicant notifies the Board in writing not less than 45 days prior to the date of the examination that she/he is unable to appear, the applicant may take the next regularly scheduled examination without forfeiting the examination fee.~~
- ~~(b) If the applicant fails to notify the Board in writing not less than 45 days prior to the date of the examination of his/her intention not to appear for the examination, the applicant will forfeit his/her application and examination fee.~~
- ~~(c) In no event may an applicant take the examination more than three years from the date of his/her application without submitting to the Board information regarding the applicant's professional activities since the date of the application.~~

- (86) (a) Application for any required examination will be denied or deferred if in the Board's judgment the applicant lacks the required education and/or experience.
- (b) If an application for examination is denied, the applicant shall be notified in writing of the Board's action and apprised of the reasons for the Board's action. (See also 251 CMR 3.02)

3.08: Certification as a Health Service Provider (HSP)

(1) The requirements of M.G.L. c. 112, § 120 relating to certification of psychologists as health service providers shall not be met unless all of the requirements of 251 CMR 3.08 are satisfied.

(2) Eligibility for certification as "Health Service Provider" shall require the applicant to demonstrate a doctoral program which is sufficient to provide education in the practice of psychology, as defined in M.G.L. c.112, s. 118. Applicants from doctoral programs which do not meet this requirement shall be required to document the completion of a formal re-specialization program meeting Board approval which includes supervised practica and course requirements in specialty areas.

~~(2)~~ (3) The reference to "a site where health services in psychology are normally provided" in M.G.L. c. 112, § 118 shall mean that any training experience for which an applicant seeks credit under that section must take place in a setting which presents itself to the public as providing health services and where clients usually seek health services.

~~(3)~~(4)

a. The reference to "at least two years of full time supervised health service experience" in M.G.L. c. 112, § 120 shall mean not less than 3200 clock hours which have been completed within 60 consecutive calendar months, 800 of which were spent providing health services

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directly to clients. Each training experience for which an applicant seeks credit under 251 CMR 3.08 must be at least four months in duration and at least 16 hours per week.

b. The reference to "supervised health service experience" in M.G.L. c. 112, s. 118 shall mean that in each of the two years of supervised health service experience, at least half of the supervision must be provided by a licensed psychologist, and in each of the two years of supervised health service experience at least 25% of the applicant's hours must be in direct client contact with clients seeking assessment or treatment.

~~(4)~~ (5) The reference to "supervised health service experience" in M.G.L. c. 112, § 120 shall not include the following services: vocational guidance services; industrial or organizational consulting services; teaching; or conducting research. Client contact exclusively for research purposes shall not be admissible to meet this requirement.

~~(5)~~ (6) The reference to "health service training program" in M.G.L. c. 112, § 120 shall mean a pre-doctoral internship program or a post doctoral training program which:

(a) was approved by the Committee on Accreditation of the American Psychological Association at the time such training was completed or offered by a department holding such pre-doctoral accreditation; and

(b) meets the training experience requirements described in 251 CMR 3.08(5). Programs which are not accredited by the American Psychological Association must meet the following criteria:

(1) The training must occur in an organized training program in contrast to on-the-job training. It must be designed to provide the trainee with a planned, programmed sequence of training experiences. The primary focus and purpose are assuring breadth and quality of training. Those seeking to utilize sites at which they were employed as staff members shall have the responsibility of demonstrating that their program met these criteria;

(2) Said training program must have a clearly designated staff psychologist, or one who is clearly eligible for licensure in the opinion of the Board, who is responsible for the integrity and quality of the applicant's training;

(3). Supervision must be provided by a staff member of the training agency who carries legal and clinical responsibility for the cases being supervised. At least half of the required supervision hours must be provided by one or more psychologists;

(4). The program must provide training in a range of assessment and treatment interventions conducted directly with clients seeking health services;

(5) At least 25% of a trainee's time must be in direct contact with clients seeking assessment or treatment (minimum 400 hours);

(6) The training experience must include supervision at a minimum ratio of one hour of acceptable supervision per sixteen (1:16) hours of work involving regularly scheduled, formal, face-to-face, individual supervision with the specific intent of overseeing the health services directly rendered by the trainee. The program must also provide at least four additional hours per week in structured learning activities such as: case conferences involving a case in which the trainee was actively involved; seminars dealing with clinical issues; group supervision; or additional individual supervision. The program must also have provided at least four hours

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(total) in structured learning activities on issues related to racial/ethnic bases of behavior with a focus on people of color.

(7) The training must be at a post-clerkship, post-practicum and post-externship level; AND

(8) The training experience (minimum 1600 hours) must be successfully completed within 24 months. **FOR APPLICATIONS FILED AFTER JANUARY 1, 1998**, the health service training program must be the first year of the required two years of full-time supervised health service experience.

(9) The training program must have two or more psychologists on the staff as supervisors, two of whom are licensed as psychologists by the relevant state board of examiners of psychologists; however, if the agency in which the training program is based has a professional mental health staff of five persons or less, and said staff includes at least one full-time psychologist, then said training program will qualify if said staff includes either a physician who is a board certified or board eligible in psychiatry or a licensed independent clinical social worker;

(10) The training agency must have a minimum of two psychology interns at the internship level of training during an applicant's training period;

(11) The trainee must have a title such as "intern," "resident," "fellow," or other designation which clearly indicates his/her training status; and

(12) The training program must have a written statement or brochure which describes the goals and content of the training program, stating clear expectations for quantity and quality of trainees' work and which is made available to prospective interns at or; prior to the onset of the training program.

3.09: Reciprocity

(1) Pursuant to M.G.L. c. 112, § 121, upon application therefor, accompanied by required fees, the Board shall issue a license to any person who furnishes, upon a form and in such manner as the Board prescribes, evidence satisfactory to the Board that the person is currently licensed or certified as a psychologist by another state, or another geographical jurisdiction outside the Commonwealth of Massachusetts recognized by the Board, if the requirements for such license or certification are the substantial equivalent of the requirements for licensure under M.G.L. c. 112, § 119.

(2) A diploma awarded by the American Board of Professional Psychology is the only diploma which the Board will recognize as meeting the requirements for reciprocity under M.G.L. c. 112, § 121.

(3) The Board, in its discretion, may require applicants for licensure by reciprocity to achieve a passing score on a jurisprudence exam.

3.10: Procedures for Renewal and Reinstatement of a License

(1) Requirements for Renewal of License. A licensee must renew his/her license every two years. The following are the requirements for renewal of a license:

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- (a) A licensee must submit to the Board a completed renewal application and required fees, prior to the renewal/expiration date of the license; and
- (b) A licensee must fulfill the continuing education requirements set forth in 251 CMR 4.00.

(2) Procedures for Renewal of a Lapsed/Expired License.

- (a) If a licensee fails to meet the requirements for renewal of his/her license, as set forth in 251 CMR 3.13(1), the license of such person is considered lapsed or expired. A lapsed or expired license is a license not in good standing. A licensee with a lapsed/expired license is not authorized to practice psychology or use the title "psychologist" during the period that the license is lapsed/expired.
- (b) A licensee who renews his/her license within one renewal cycle (two years) after the date the license lapsed/expired, may apply to the Board for renewal of the license by submitting a completed renewal form, paying all past due renewal and late fees, and presenting evidence satisfactory to the Board of having completed all continuing education credits required by 251 CMR 4.00.
- (c) A licensee who fails to renew his/her license within one renewal cycle (two years) after the date the license lapsed/expired, may apply to the Board for renewal of his/her license as follows:
 - 1. If practicing psychology in Massachusetts during the period the license was lapsed/expired:
 - a. A petition for renewal, made under oath and signed before a notary public, must be filed with the Board, which sets forth in detail the licensee's professional activities during the period the licensee has been lapsed/expired;
 - b. Sworn and notarized statements from at least two licensed psychologists who are familiar with the licensee's work and professional history during the period the license has been lapsed/expired must be filed with the Board. Such statements must describe the basis of the affiants' knowledge;
 - c. A completed renewal form and all required past due renewal and late fees must be submitted to the Board;
 - d. Documentation of fulfillment of the continuing education requirements of 251 CMR 4.00 must also be filed with the Board. The number of continuing education hours required to be completed by an applicant for renewal of a lapsed/expired license shall be based on 20 hours per renewal period and determined by the number of renewal periods between the latter of the date the applicant last renewed his/her license or June 30, 1988, and the most recent renewal date prior to the application for renewal;
 - e. An applicant for renewal of a lapsed/expired license may also be required to personally appear before the Board or a subcommittee of its members; and
 - f. An applicant for renewal who has failed to renew his/her license for more than two renewal periods may be required to achieve a passing score on the current national psychology licensing examination and any other examination required for licensure. The Board will not renew the license of an applicant who is required to achieve a passing score on such examination(s) prior to the Board's receipt of official notice that the applicant has achieved a passing score on the required examination(s).

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2. If *not* practicing psychology during the period the license was lapsed/expired:
 - a. a completed renewal form, payment of the application fee, current license fee, and a late fee;
 - b. submission of an affidavit signed under the penalties of perjury attesting that the applicant has not been practicing psychology during the period the license was lapsed/expired;
 - c. presentation of evidence satisfactory to the Board of having completed all continuing education credits required by 251 CMR 3.13(2)(c)1.d. and 4.00;
 - d. where required by the Board, fulfillment of the requirements of 251 CMR 3.13(2)(c)1.e. and f, and
 - e. where required by the Board, fulfillment of additional supervised experience requirement to demonstrate current clinical competence.
3. If practicing psychology in a jurisdiction other than the Commonwealth of Massachusetts during the period that the Massachusetts license was lapsed/expired:
 - a. a completed renewal form, payment of the application fee, current license fee, and late fee;
 - b. submission of an official record of standing or certified statement indicating the license is and has been in good standing in the jurisdiction of current licensure; and
 - c. presentation of evidence satisfactory to the Board of having completed all continuing education credits required by 251 CMR 3.10 and 4.00.

(3) Procedures for Reinstatement of a License which has been Revoked, Suspended, Surrendered or Placed on Probation.

- (a) No license which has been revoked, suspended, surrendered or placed on probation will be reinstated or otherwise returned to good standing prior to the licensee's compliance with the requirements of 251 CMR 3.13(3).
- (b) A person previously registered by the Board whose license has been revoked, suspended, surrendered or placed on probation, may apply to the Board for reinstatement or return of the license to good standing of his/her license in accordance with the following procedures:
 1. A petition for reinstatement made under oath and signed before a notary public setting forth in detail the background of the complaint and/or disciplinary action taken regarding the applicant and the reasons why the license should be reinstated or returned to good standing at that time. The petition must include a detailed summary of the applicant's activities during the period of probation, revocation, suspension or surrender, including, but not limited to, the applicant's professional activities, personal psychotherapy and/or other remediative activities, and academic and other continuing education activities. The petition must also include an outline of the applicant's projected professional plans for the two year period following reinstatement;
 2. Documentation of fulfillment of the continuing education requirements of 251 CMR 4.00, together with documentation of any additional continuing education requirements ordered by the Board, must be filed with the Board;

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3. Documentation of fulfillment of the conditions of any consent agreement or decision and order of the Board (e.g. supervision, toxicological testing, psychotherapy, etc.) must be filed with the Board.

4. Sworn and notarized statements from at least three persons (two of whom must be licensed psychologists) who have read the complaint and consent agreement or decision and order of the Board regarding the applicant must be submitted to the Board. Such affidavits must attest to the character of the applicant (including any history of substance abuse), as well as the applicant's work and professional history since the date of probation, revocation, suspension or surrender. Such statements must describe the basis of the affiant's knowledge;

5. The licensee and any supervising psychologist may be required to make a personal appearance before the Board or a subcommittee of its members may be required; and

6. An applicant for reinstatement may be required to achieve a passing score on the current national psychology licensure examination and any other examination required for licensure. The Board will not reinstate the license of an applicant who is required to achieve a passing score on such examination(s) prior to the Board's receipt of official notice that the applicant has achieved a passing score on the required examination(s).

(c) Unless the Board orders otherwise, a person previously registered by the Board:

1. whose license has been revoked, may apply for reinstatement not sooner than three years from the date of revocation (M.G.L. c. 112, § 129);

2. whose license has been suspended or placed on probation, may apply for reinstatement or return to good standing not sooner than two months prior to the expiration of the period of suspension or probation ordered by the Board and/or consented to by the applicant; and

3. whose license has been surrendered, may apply for reinstatement not sooner than two months prior to the expiration of the period of surrender consented to by the applicant, or three years if no period is specified.

(d) If the Board denies a petition for reinstatement, an applicant may not re-petition the Board for reinstatement until at least one year after the date of denial of the petition, unless otherwise ordered by the Board.

REGULATORY AUTHORITY

251 CMR 3.00: M.G.L. c. 13, § 79.

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251 CMR 4.00: CONTINUING EDUCATION

Section

- 4.01: Scope, Purpose and Regulatory Authority
- 4.02: Definitions
- 4.03: Continuing Education Requirements
- 4.04: Evaluation and Verification of Continuing Education Hours and Programs

4.01: Scope, Purpose and Regulatory Authority

(1) The purpose of continuing education is to assure high standards for the practice of psychology by requiring licensees to participate in on-going educational activities. Through these experiences, licensees may increase their competence and enhance the knowledge obtained during prior education and training.

(2) The Board promulgates 251 CMR 4.00 pursuant to M.G.L. c. 13, § 79 and M.G.L. c. 112, § 127.

4.02: Definitions

Board: The Board of Registration of Psychologists.

Board-Recognized Entities: The American Psychological Association, recognized educational institutions, as defined in M.G.L. c. 112, § 118, and such other entities that the Board designates as appropriate.

Continuing Education Activities: Continuing education activities consist of:

- (a) formal learning programs with specific learning objectives sponsored by Board-recognized entities; and
- (b) publication of books, chapters of books, and/or articles in refereed journals, relevant to the science or practice of psychology.

Continuing Education Hour: The unit of measurement for an organized learning experience lasting 60 consecutive minutes.

4.03: Continuing Education Requirements

(1) All licensees must comply with the requirements of 251 CMR 4.00 to renew their licenses.

(2) All licensees are required, as a condition of license renewal, to complete a minimum of 20 hours of continuing education activities per licensure/renewal period (every two years).

(3) Continuing education activities in the form of publication of books, chapters of books, and/or articles in refereed journals, relevant to the science or practice of psychology may be

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substituted for not more than ten of the total 20 hours of continuing education activities required per licensure/renewal period.

4.04: Evaluation and Verification of Continuing Education Hours and Programs

(1) At the time of renewal, each licensee will be required to submit a signed, notarized statement, on a form provided by the Board, attesting to completion of the continuing education requirements set forth in 251 CMR 4.00.

(2) All continuing education activities required for licensure renewal must be clearly psychological in content and/or directly relevant to the science or practice of psychology.

~~(2)~~ (3) For each continuing education hour earned by participation in formal learning programs, the licensee must be able to document the following information:

- (a) the title of the program;
- (b) the number of hours spent in the program;
- (c) the name of the Board-recognized entity which sponsored the program; and
- (d) the date the program was given.

~~(3)~~ (4) For each continuing education activity hour earned by publication of books, chapters of books, and/or articles in refereed journals, the licensee must be able to document the following information:

- (a) the title of the book, chapter or article and, in the case of a chapter or article, the title of the book or name of the journal in which it appears;
- (b) the date of publication; and
- (c) the names of any co-authors.

The Board may require the licensee to provide a copy of the book, chapter or article that he/she is relying on as a continuing education activity.

~~(4)~~ (5) The Board may request the verification enumerated in 251 CMR 4.04(2) and (3) for a period not to exceed two prior licensure/renewal periods.

~~(5)~~ (6) Board-recognized entities which sponsor approved continuing education programs will be expected to maintain in their records the names of all continuing education attendees and the number of hours awarded for attendance at each program.

~~(6)~~ (7) Failure to comply with the continuing education requirements of 251 CMR 4.00 will result in the non-renewal of the license.

REGULATORY AUTHORITY

251 CMR 4.00: M.G.L. c. 13, § 79; c. 112, § 127.